

U.S.S.N. 10/605,733

6

81092183 (FGT 1840 PA)

REMARKS

In the Office Action of October 28, 2005, claims 1-2 and 4-20 are pending. Claims 1, 19, and 20 are independent claims, which are herein amended. Claim 3 was previously canceled. Claims 1-18 stand allowed. Claims 19 and 20 are independent claims, which are herein amended. Note that claims 19 and 20 are amended solely for clarification reasons.

Claim 19 stands rejected under 35 U.S.C. 102(e) as being anticipated by Breed et al. (U.S. 6,820,897).

Amended claim 19 recites a headlight system for a vehicle. The system includes a transceiver that generates a first communication signal. A receiver receives a second communication signal generated from an object that is external to the vehicle in response to the first communication signal. A controller adjusts an illumination beam of the headlight system in response to the second communication signal.

Breed discloses occupant detection systems. The occupant detection systems include transducers and receivers, which are used to detect occupants within seats of a vehicle.

The Office Action states that Breed discloses a receiver that receives a second communication signal generated from an object. Applicants, respectfully, traverse. The transducers of Breed transmit ultrasonic energy that is reflected off of vehicle occupants. The reflected energy is detected by the receivers. The occupants do not generate a communication signal. Radiation is simply transmitted and reflected off of the vehicle occupants.

Also, note that the reflected energy is reflected off of occupants, which are internal to the vehicle. This is unlike amended claim 19, which states that the second communication signal is received from an object that is external to the vehicle.

In order for a reference to anticipate a claim the reference must teach or suggest each and every element of that claim, see MPEP 2131 and *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628. Thus, since Breed fails to

U.S.S.N. 10/605,733

7

81092183 (FGT 1840 PA)

teach or suggest each and every element of claim 19, it is novel, nonobvious, and is in a condition for allowance.

Claim 20 stands rejected under 35 U.S.C. 102(e) as being anticipated by Gourdine (U.S. Pub. No. 2003/0184233).

Amended claim 20 recites a method of operating a headlight system of a vehicle. The method includes detecting a communication signal, which is generated from an object that is external to the vehicle. Illumination output of the headlight system is adjusted in response to the communication signal.

Gourdine discloses a secondary vehicle headlight system. The headlight system detects when a low-beam headlight is inoperative and in response thereto activates a high-beam headlight to operate in replacement of the low-beam headlight.

The Office Action states that Gourdine discloses detecting a communication signal generated from an object. Applicants traverse. Gourdine discloses the use of a NPN transistor 14 that is used to compare the resistances of a photoresistor and a potentiometer 15 to determine whether a low-beam bulb 13 has malfunctioned. Based upon the result of that comparison the NPN transistor activates a high-beam headlight. The transistor 14 does not receive a communication signal, but rather simply compares resistance values.

Also, note that the low-beam bulb 13 is internal to the host vehicle. Thus, regardless of whether the low-beam bulb generates a communication signal, clearly Gourdine fails to disclose the detecting of a communication signal generated from an external object. Therefore, Gourdine also fails to disclose adjusting the illumination output of a headlight system in response to the stated communication signal. As such, Gourdine fails to disclose any of the limitations of claim 20.

Since each and every element of claim 20 is not taught or suggested by Gourdine, claim 20 is also novel, nonobvious, and is in a condition for allowance.

U.S.S.N. 10/605,733

8

81092183 (FGT 1840 PA)

Applicants respectfully request entry of the foregoing amendments. Referring to MPEP 706.07, Applicants, respectfully, submit that this action has been improperly been made final. Applicants agree that under present practice a second or subsequent action may be made final even when the Examiner introduces a new ground of rejection as is necessitated by Applicants' amendment. However, in the previous Response of August 16, 2005 Applicants did not amend any of the claims.

Also, Applicants submit that present practice does not sanction hasty or ill-considered final rejections. The Applicants in the Response of March 2, 2005 merely sought to define the patent protection to which they are justly entitled. The Applicants in the March 2nd Response have previously and clearly amended the claims such that the claimed invention is not taught or suggested by the prior art, and in so doing they deserve the cooperation of the Examiner and should not be prematurely cut off in the prosecution. This is supported by the use of different references in the current Office Action as opposed to those used in the Office Actions of December 17, 2004 and May 18, 2005. Also, note that the newly relied upon references of Breed and Gourdine were not disclosed to the Applicants prior to the current Office Action. Thus, this is the first opportunity that the Applicants have had to review and respond to such references. Furthermore, the Applicants have responded promptly and have not resorted to technical or obvious subterfuges.

Applicants submit that although the claims are currently in allowable form in view of the relied upon art, should the Examiner deem a further search is necessary, the application should be made non-final and the issuance of an Advisory Action should be deemed inappropriate at this time.

U.S.S.N. 10/605,733

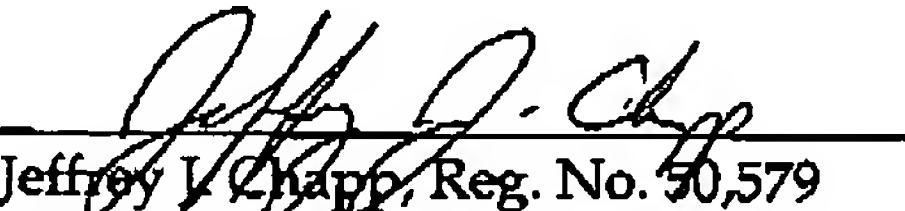
9

81092183 (FGT 1840 PA)

In light of the amendments and remarks, Applicants submit that all the rejections are now overcome. The Applicants have added no new matter to the application by these amendments. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments, the Examiner is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

ARTZ & ARTZ, P.C.


Jeffrey L. Chapp, Reg. No. 50,579
28333 Telegraph Road, Suite 250
Southfield, MI 48034
(248) 223-9500

Dated: December 23, 2005